STATE OF VERMONT

HUMAN SERVICES BOARD

In re   )   Fair Hearing No. 16,325
)
Appeal of   )
)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for General Assistance (GA) benefits for temporary housing. The issue is whether the petitioner qualifies for GA under the pertinent regulations. The following facts, except where specifically indicated, are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with her husband with no dependent children. In January 2000 the couple moved out of their apartment after their landlord did not renew their lease.

2. At first they moved in with their adult son; but after a few weeks their son's landlord told them they couldn't stay there.

3. They then moved into a motel. Their son paid the first week rent, but after that he couldn't help them any more.

4. The petitioner applied to the Department for GA on February 7, 2000. The Department denied the application based on its determination that space was available at a local homeless shelter. This decision was affirmed by the

hearing officer in an "expedited appeal" on February 8, 2000.

5. A fair hearing was held on March 14, 2000. At that time the petitioner represented that they have continued to stay in the motel using their own income, but that they face imminent eviction because they are three weeks behind in rent. They want GA to pay for their continued stay in the motel.

6. The petitioner has income from Social Security disability of $729 a month. Her husband is presently working four hours per week. Their income is insufficient to pay for the motel and to buy other basic needs.

7. As of the date of the hearing it appeared that there was still vacancy at the local homeless shelter for the petitioner and her husband on a nightly basis.

8. The petitioner presented no evidence that the shelter is unsuitable for her or her husband on the basis of health or safety, or for any other reason.

<div align="center">ORDER</div>

The Department's decision is affirmed.

<div align="center">REASONS</div>

The GA regulations, at W.A.M. § 2600C, provide that applicants without minor children are eligible for GA only if their income in the last 30 days is "below the applicable

ANFC payment level for that size household in similar living

arrangements" and if the applicant has exhausted all

available income and resources and is facing a "catastrophic

situation" as defined by W.A.M. § 2602--i.e., is facing a

court-ordered or constructive eviction "beyond the control"

of the applicant.

The petitioner does not dispute that her and her

husband's income is in excess of the ANFC payment standard.

It also appears that at all times she had the means to

obtain temporary housing free of charge at a local homeless

shelter.

The GA regulations, at W.A.M. § 2613.2, also include

the following provision:

> Temporary housing is intended to provide short term
> shelter for applicants who are involuntarily without
> housing through circumstances in which the applicant
> could not reasonably have avoided the situation and for
> whom permanent housing or alternative arrangements are
> not immediately available. . . .

Assuming arguendo that the petitioner meets the

criteria in the above-cited regulations under "court ordered

or constructive eviction"[1], the Board has repeatedly held

that suitable homeless shelters constitute "alternative

arrangements" under the above provision. See Fair Hearing

Nos. 15,383, 15,229, 13,380, 13,315, and 13,048.

For the above reason, it cannot be found that

"alternative arrangements" are not available to the

petitioner and her husband at this time. There has been no

showing that the local homeless shelter is either

unavailable or unsuitable for health and safety reasons.

The issues under the "catastrophic situation" regulations

not be reached. Because the Department's denial of the

petitioner's application for GA for temporary housing is

consistent with the regulation governing that form of

assistance, it must be affirmed. 3 V.S.A. § 309(d) and Fair

Hearing Rule No. 17.

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[1] No evidence was taken on this issue.